

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Olympus Optical Co., Ltd.

Application No./Patent No.: 5,978,160 Filed/Issue Date: November 2, 1999

LENS BARREL HAVING A FLARE DIAPHRAGM WHICH CAN ADVANCE INTO AND RETREAT FROM THE
Entitled: OPTICAL PATH TO ELIMINATE DELETERIOUS LIGHT RESULTING FROM MOVEMENT OF THE LENS

Olympus Optical Co., Ltd., a Japanese corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8905, Frame 0559, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE]: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Oct. 11. 2001
Date

K. Kimura
Signature

Katsuhiko Kimura

Typed or printed name

General Manager, Intellectual Property Department

Title

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Koiwai et al.

Application No.: 08/979,642

Filed: November 26, 1997

For: LENS BARREL HAVING A FLARE
DIAPHRAGM WHICH CAN ADVANCE
INTO AND RETREAT FROM THE
OPTICAL PATH TO ELIMINATE
DELETERIOUS LIGHT RESULTING
FROM MOVEMENT OF THE LENS

Our File: IPO-P1132.1

Reissue of U.S. Patent No.: 5,978,160

Issued: November 2, 1999

ASSENT OF ASSIGNEE TO REISSUE PURSUANT TO 37 C.F.R. §1.172

Box REISSUE
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Katsuhiko KIMURA (name), General Manager, Intellectual Property Department (title) of Olympus Optical Co., Ltd., of Tokyo, Japan, declare that the full and entire right, title and interest in original Letters Patent No. 5,978,160 is assigned to Olympus Optical Co., Ltd., a Japanese Corporation, as evidenced by the Assignment documents as recorded on November 26, 1997 in the United States Patent and Trademark Office at Reel 8905, Frame Nos. 0559-05560; and that the Assignee hereby assents to the accompanying Reissue Application.

Respectfully submitted,

Olympus Optical Co., Ltd.

Date: Jul. 27. 2001

By K. Kimura

Name: Katsuhiko KIMURA

Title: General Manager, Intellectual Property Dept.

Olympus Optical Co., Ltd.

43-2, Hatagaya 2-Chome

Shibuya-ku

Tokyo, JAPAN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

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Reissue of U.S. Patent No. 5,978,160

Issued: November 2, 1999

REISSUE DECLARATION, POWER OF ATTORNEY AND PETITION

Box REISSUE
Commissioner for Patents
Washington, D.C. 20231

Sir:

1. I, Tamotsu Koiwai, a Japanese citizen, have read the foregoing specification and claims, and I verily believe that I, together with Tatsuya Suzuki, am the original, first inventor of the invention entitled LENS BARREL HAVING A FLARE DIAPHRAGM WHICH CAN ADVANCE INTO AND RETREAT FROM THE OPTICAL PATH TO ELIMINATE DELETERIOUS LIGHT RESULTING FROM MOVEMENT OF THE LENS and which is described and claimed in United States Patent No. 5,978,160, issued November 2, 1999, and that I do not know and do not believe that this invention was ever known or used in the United States before my invention or discovery thereof.

Applicant: Koiwai et al.
Application No.: Not Yet Known

2. I verily believe that I, together with Tatsuya Suzuki, am the original, first inventor of the invention entitled LENS BARREL HAVING A FLARE DIAPHRAGM WHICH CAN ADVANCE INTO AND RETREAT FROM THE OPTICAL PATH TO ELIMINATE DELETERIOUS LIGHT RESULTING FROM MOVEMENT OF THE LENS and which is described and claimed in the Reissue Application filed herewith, together with my Declaration and that I do not know and do not believe that this invention was ever known or used in the United States before my invention or discovery thereof.

3. I hereby state that I have reviewed and understand the contents of the above-identified issued patent, including the specification and claims, as amended, as shown in the Preliminary Amendment accompanying this Reissue Declaration.

4. I acknowledge a duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. I further pray that I may be allowed to surrender the aforesaid United States Patent No. 5,978,160, issued November 2, 1999, and that such Letters Patent may be reissued to me for the same invention upon the foregoing amended claims. With this Petition is filed an Order for an Abstract of Title, duly certified, as is required in such cases.

6. I declare that the above-identified patent is inoperative or invalid by reason of claiming less than I had a right to claim in the patent. More specifically, certain of the claims of the issued patent are unnecessarily limited due to the failure to recite that the flare diaphragm is deformed when the lens holding frame is moved in a given direction.

7. That on or about January 3, 2001 and after issuance of U.S. Patent No. 5,978,160, I was notified by U.S. counsel that it is possible to reissue my patent to broaden the claims if a reissue application is filed prior to November 2, 2001. I reviewed the '160 patent and discovered that the claims were unnecessarily limited by failure to recite

Applicant: Koiwai et al.
Application No.: Not Yet Known

limitations regarding the flexibility of the flare diaphragm so that the flare diaphragm is deformed when engaged by the lens or lens frame when the lens frame is moved in a given direction. See Figures 5-9 and column 5, lines 27-30. Claim 6 is limited to reciting a point on the flare diaphragm moves in and out of the optical path while another point along the flare diaphragm mains stationary. Claims 11 and 20 are limited to reciting a flare diaphragm is a flexible member; however, none of the claims recite a flare diaphragm deformed by a lens or lens frame. I brought my analysis of the objectives of the invention to the attention of patent counsel, who confirmed that the claims were so limited and advised that a reissue patent could be requested to correct the unnecessarily limited claims. Until such time, I was unaware that the claims were so limited. Patent counsel advised that the claims could be amended by way of a reissue proceeding and I authorized the filing of a reissue application.

8. New claims 24-26 set forth in the Preliminary Amendment accompanying this Declaration, cure the limited nature of the original claims.

9. The errors set forth hereinabove occurred without deliberate or deceptive intent on my part.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11. I hereby appoint the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Customer No.::	3624
Name Line One::	Louis Weinstein, Esquire

Applicant: Koiwai et al.
Application No.: Not Yet Known

Name Line Two:: Volpe and Koenig, P.C.
Telephone No.:: 215-568-6400

Please address all communications and telephone calls to:

Customer No.:: 3624
Name Line One:: Louis Weinstein, Esquire
Name Line Two:: Volpe and Koenig, P.C.
Telephone No.:: 215-568-6400

INVENTOR'S FULL NAME: Tamotsu Koiwai
SIGNATURE OF INVENTOR: Tamotsu Koiwai
DATE: Aug. 1, 2001
RESIDENCE: Akiruno-shi, Tokyo, Japan
CITIZENSHIP: Japan
POST OFFICE ADDRESS: c/o Intellectual Property Department
Olympus Optical Co., Ltd.
2-3, Kuboyama-cho, Hachioji-shi, Tokyo, Japan

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Customer No.:: 3624
Name Line One:: Louis Weinstein, Esquire
Name Line Two:: Volpe and Koenig, P.C.
Telephone No.:: 215-568-6400

INVENTOR'S FULL NAME: Tatsuya Suzuki
SIGNATURE OF INVENTOR: Tatsuya Suzuki
DATE: Jul. 30, 2001
RESIDENCE: Setagaya-ku, Tokyo, Japan
CITIZENSHIP: Japan
POST OFFICE ADDRESS: c/o Intellectual Property Department
Olympus Optical Co., Ltd.
2-3, Kuboyama-cho, Hachioji-shi, Tokyo, Japan

Letters Patent Application

ASSIGNMENT

WHEREAS, Tamotsu KOIWAI and Tatsuya SUZUKI
(hereinafter "Assignor"), has (have) invented
certain improvements in LENS BARREL
for which an application for United States Letters Patent was executed
on _____, and

WHEREAS, Olympus Optical Co., Ltd.,
having its principal place of business at 43-2, Hatagaya 2-chome,
Shibuya-ku, Tokyo, Japan (hereinafter
"Assignee"), is a corporation of the state of Tokyo, Japan and is
desirous of acquiring all right, title and interest in and to said
invention and any Letters Patent that may be granted therefor;

NOW THEREFORE, in consideration of One (\$1.00) Dollar and
other good and valuable consideration, the receipt of which is hereby
acknowledged, Assignor, hereby sells, assigns and sets over to
Assignee the entire right, title and interest for the United States of
America and all other countries in and to said invention and the
aforesaid application for Letters Patent, all original, divisional,
continuation, substitute or reissue applications and patents applied
for or granted therefor in the United States of America and all other
countries, and the Commissioner of Patents and Trademarks is hereby
authorized and requested to issue all patents on said invention or
resulting therefrom to said Assignee herein, as Assignee of the entire
interest therein; and the Assignor, for itself and its legal
representatives, heirs and assigns does hereby agree and covenant
without further remuneration, to execute and deliver all divisional,
continuation, reissue and other applications for Letters Patent on
said improvements, whenever requested, to testify in any interferences
or other legal proceedings in which any of said applications or
patents may become involved, to sign all lawful papers, make all
rightful oaths, and to do generally everything necessary to aid
Assignee, its successors, assigns and nominees to obtain patent
protection for said improvements in all countries, the expenses
incident to said application to be borne and paid by said Assignee.

<u>Tamotsu Koiwai</u> (SIGNATURE)	<u>Tamotsu KOIWAI</u> (TYPE NAME)	<u>November 14, 1997</u> (DATE)
<u>Tatsuya Suzuki</u> (SIGNATURE)	<u>Tatsuya SUZUKI</u> (TYPE NAME)	<u>November 14, 1997</u> (DATE)
_____ (SIGNATURE)	_____ (TYPE NAME)	_____ (DATE)
_____ (SIGNATURE)	_____ (TYPE NAME)	_____ (DATE)
_____ (SIGNATURE)	_____ (TYPE NAME)	_____ (DATE)
_____ (SIGNATURE)	_____ (TYPE NAME)	_____ (DATE)